REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

Attorney Docket:<u>1748X/44438DV</u>

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a _____ continuation or_X__ divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. ___<u>09/106,220</u>_____
Filed on ____<u>June 29, 1998</u>_____
Of _____<u>Martin SCHÜSSLER et al.</u>_____
Entitled: <u>APPARATUS FOR PRODUCING A HYDROGEN-RICH</u>
<u>AND LOW CARBON MONOXIDE GAS</u>
Examiner: ___<u>F. VARCOE, JR.</u>_____
Group: _____<u>1764</u>_____
Batch No: ___<u>W55</u>_____

__X__   1.   Accompanying this order is a true copy of the prior application as originally filed.
Total pages __16__

__x__   2.   Formal drawings are being filed herewith consisting of __2__ sheet(s), depicting Figures <u>1-2</u>_____.

__X__   3.   Declaration and Power of Attorney:

a.   ____ Newly executed (original or copy)

b.   _X_ Copy from prior application

i.   ___ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

__X__   4.   Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

__X__   5.   Cancel original claims<u>1-6</u>.

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PATENT TRADEMARK OFFICE

_____ 6. Small entity status:

   a. ____ A small entity statement is enclosed

   b. ___ A statement of small entity status (copy attached) was filed on _____ in the prior application and status as a small entity is still proper and desired.

   c. ____ Is no longer claimed

__X__ 7. The filing fee is calculated below:

CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT

Basic Fee $355 $710

Total Claims __5__ - 20 = __0__ x 9 = $_____   18 = $_____

Ind. Claims __1__ - 3 = __0__ x 40 = $_____   80 = $_____

_____ Multiple Dependent   + 135 = $_____ 270 = $_____
       Claims
                        Total $_____ $710.00

_____ 8. Please charge my Deposit Account No. 05-1323 (Docket #_____) in the amount of $_____.

__X__ 9. A check in the amount of $710.00 to cover the filing fee is enclosed.

__X__ 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #1748X/44438DV).

__X__ 11. Amend the specification by inserting before the first line the sentence: --This application is a division of application Serial No. 09/106,220, filed June 29, 1998.--

__X__ 12. Priority of Appln. No. 197 27 588.5-41, filed in Germany on June 28, 1997, is hereby claimed under 35 U.S.C. 119.

__X__ 13. A certified copy of each said priority document was filed in application Serial No. 09/106,220 on August 13, 1998.

__X__ 14. The prior application is assigned of record to XCELLSIS GmbH

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_X_   15.   The power of attorney in the prior application is to:

        Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

     _X_   a. The power appears in the original application papers in the prior application.

     _____   b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.

     _____   c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

     _X_   d. Address all future correspondence to:

           EVENSON, McKEOWN, EDWARDS
              & LENAHAN, P.L.L.C.
              1200 G Street, N.W.
                 Suite 700
              Washington, DC 20005

_X_   16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
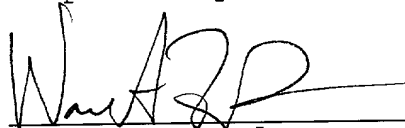
_____   17. A Preliminary Amendment is being filed herewith.

_X_   18. Return Receipt Postcard.

_____   19. Other: _____

Respectfully submitted,

February 21, 2001

Warren A. Zitlau
Registration No. 39,085

Gary R. Edwards
Registration No. 31,824

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